

**REMARKS**

In the Advisory Action of May 18, 2009, the Examiner declined to enter the Amendment in the Response filed May 8, 2009, asserting that it raises new issues for consideration. Applicants respectfully request the Examiner enter the Amendment, as Applicants have filed a Request for Continuing Examination (RCE) on even date herewith.

At item "11." of the Advisory Action (see page 2 thereof), the Examiner states that *"Applicant's arguments are primary directed to the aforementioned claim language and as such, are not commensurate in scope with pending claim language."* However, the claims were amended in the Response of May 8, 2009 so that the claims were commensurate in scope with data in Examples as disclosed in the specification, *etc.* and consequently the arguments (including data supporting the arguments) should be commensurate in scope with the claims. Applicants respectfully request reconsideration.

Should the Examiner maintain this allegation, Applicants respectfully request to specifically explain why Applicant's arguments are primary directed to the aforementioned claim language and as such, are not commensurate in scope with pending claim language.

### CONCLUSION

Entry of the Amendment filed on May 8, 2009 and favorable action on the merits is earnestly solicited at present.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno, Reg. No. L0053 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: **JUN - 4 2009**

Respectfully submitted,

By 

Gerald M. Murphy, Jr.

Registration No.: 28,977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant